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सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष १२, अंक १२] शुक्रवार, मार्च १३, २०२६/फाल्गुन २२, शके १९४७ [पृष्ठे २५, किंमत : रुपये २७.००

असाधारण क्रमांक २०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Prisons and Correctional Services Act, 2025 (Mah. Act No. IV of 2026), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT NO. IV OF 2026.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 13th March 2026).

An Act to consolidate laws relating to prisons, prisoners and correctional services in the State of Maharashtra and to provide for regulation thereof and matters connected therewith or incidental thereto.

WHEREAS it is expedient to consolidate laws relating to prisons, prisoners and correctional services in the State of Maharashtra and to provide for regulation thereof and matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-sixth Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Maharashtra Prisons and Correctional Services Act, 2025.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "after-care service" means a service or activity aimed at the rehabilitation of the released prisoner for enabling him to lead a productive life as a dutiful citizen;

(*b*) "civil prisoner" means any prisoner who is not a criminal prisoner;

(*c*) "communication device" means a communication device defined under clause (*ha*) of sub-section (*1*) of section 2 of the Information Technology Act, 2000; 21 of 2000.

(*d*) "convicted prisoner" means a person who has been found guilty of an offence and is serving a sentence in prison;

(*e*) "condemned prisoner" means a prisoner sentenced to death by a competent court and whose petition for mercy is rejected;

(*f*) "correctional service" means any service or program aimed at the reformation and rehabilitation of a prisoner, and includes services related to supervision, training, control and custody of a prisoner;

(*g*) "court" includes any officer lawfully exercising civil, criminal or revenue jurisdiction;

(*h*) "criminal prisoner" means any prisoner who is under the sentence of a court or court-martial, and includes a person detained in prison, under the provisions of Chapter IX of the Bharatiya Nagarik Suraksha Sanhita, 2023; 46 of 2023.

(*i*) "detenue" means any person detained in prison on the orders of a competent authority under any law providing for preventive detention;

(*j*) (*1*) "Director General" means the Director General of Prisons and Correctional Services;

(*2*) "Special Inspector General" means the Special Inspector General of Prisons and Correctional Services;

(*3*) "Deputy Inspector General" means the Deputy Inspector General of Prisons and Correctional Services;

(*4*) "Superintendent" means the Superintendent of Central Prison and Correctional Services;

(*5*) "Additional Superintendent" means the Additional Superintendent of Central Prison and Correctional Services;

(*6*) "Deputy Superintendent" means the Deputy Superintendent of Central Prison and Correctional Services;

(*7*) "Jailor" means the Jailor of Prison and Correctional Services;

(*8*) "Deputy Jailor" means the Deputy Jailor of Prison and Correctional Services;

(*9*) "Assistant Jailor" means the Assistant Jailor of Prison and Correctional Services;

(*k*) "foreign prisoner" means any prisoner who is not a citizen of India;

(l) "furlough" means a short leave granted to a convicted prisoner, after undergoing a prescribed period of sentence, as an incentive for maintaining good conduct in prison;

(m) "habitual offender" means habitual offender defined under clause (*e*) of section 2 of the Maharashtra Habitual Offenders Act; LXI of 1959.

(n) "high-risk prisoner" means a prisoner with high propensity towards violence, escape, self-harm, disorderly behavior, likely to create unrest in the prison and a threat to public order and includes those engaged in organized crime, drugs, human trafficking and terrorist activities and includes dangerous prisoners, hardened criminals, habitual offenders, negatively influencing other prisoners, etc.;

(o) "high-security prison" means an independent self-sufficient prison complex with dynamic and strengthened security systems with provision for an independent court complex, etc., to house high-risk prisoner;

(p) "history-ticket" means the record, either in physical or electronic format, containing all relevant information, in respect of a prisoner;

(q) "Medical Officer" in relation to prisons, means a qualified Government Medical Practitioner deputed as a Medical Officer of a prison;

(r) "medical subordinate staff" means a qualified medical assistant, such as pharmacist, nurse, lab technician, etc., deputed in a prison;

(s) "officer-in-charge of a prison" means an officer appointed by the competent authority as in-charge of a prison;

(t) "parole" means temporary release of a convicted prisoner from prison, for a short period of time, for attending exigencies as may be prescribed;

(u) "prescribed" means prescribed by rules made under this Act;

(v) "prison" means any place or building used permanently or temporarily under the general or special orders of the Government for the detention of prisoners and for providing correctional services to them and includes all lands and buildings appurtenant thereto, but does not include,–

(i) any place for the confinement of prisoners who are exclusively in the custody of the police;

(ii) any place specially designated by the State Government under section 457 of the Bharatiya Nagarik Suraksha Sanhita, 2023; or 46 of 2023.

(iii) any place which has been declared by the State Government, as a subsidiary jail, by a general or special order;

(w) "Prisons Force" means the Prisons and Correctional Services Force specified in section 5 of the Act;

(x) "prisoner" means a person committed to custody in a prison, under the writ, warrant or order of any court or a competent authority and includes criminal prisoner, civil prisoner, undertrial prisoner, prisoner remanded by a court or by order of a court-martial, to prison custody under the orders of a competent authority and a detenue ;

(y) "prohibited article" means an article, the introduction or removal of which into or out of a prison is prohibited by any rule made under this Act;

(z) "punishment-book" means a register that contains the record, in respect of every punishment levied, the prisoner's name, prisoner identification number and the class (whether habitual or not) to which he belongs, the prison-offence of which he is guilty, the date on which the prison-offence was committed, the number of previous prison-offences committed by the prisoner and the date of commission of such previous prison-offences, and the date, period and type of punishment levied;

(*aa*) "recidivist" means any prisoner who is convicted for a crime more than once;

(*ab*) "remission" means a concession as may be prescribed granted to an eligible convicted prisoner by the competent authority, the consequence of which may be shortening of sentence of the prisoner;

(*ac*) "rules" means rules made under this Act;

(*ad*) "State Government" or "Government" means the Government of Maharashtra ;

(*ae*) "undertrial prisoner" means a person who is not a convict and has been committed to judicial custody pending investigation by the police or trial by a court of competent jurisdiction;

(*af*) "young offender" means a prisoner who has attained the age of eighteen years and has not completed the age of twenty-one years.

(*2*) Words and expressions used herein and not defined in this Act, but defined in the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and the Bharatiya Nagarik Suraksha Sanhita, 2023 shall have the meanings, respectively, assigned to them in the said Act and Sanhitas. 21 of 2000. 45 of 2023. 46 of 2023.

CHAPTER II

Prison And Categories Thereof.

Prison.

3. (*1*) The State Government shall provide sufficient number of prisons for accommodating prisoners.

(*2*) In the prison, a prisoner shall be kept in safe custody.

(*3*) In the prison, suitable measures for the safety and security of prisoners shall be undertaken.

(*4*) In the prison, the discipline and daily routine shall be maintained in accordance with the provisions of this Act and the rules made thereunder.

(*5*) In the prison, the prisoners shall be provided with food, clothing, accommodation, other necessities and medical treatment and other facilities as may be prescribed.

(*6*) The correctional services and after-care services may be provided to the prisoners with the objective of rehabilitating them in the society as law abiding citizens.

Categories of prisons.

4. (*1*) The Government shall establish the following categories of prisons, namely :—

(a) Central Prison: A prison with a capacity of 800 and more prisoners;

(b) District Prison Class-I: A prison with a capacity ranging from 300 to 799 prisoners;

(c) District Prison Class-II: A prison with a capacity ranging from 151 to 299 prisoners;

(d) District Prison Class-III: A prison with a capacity ranging from 51 to 150 prisoners;

(e) Special Prison: A District Prison designated as a Special Prison by order of the State Government, where the prisoners are transferred on disciplinary grounds and they become ineligible for certain privileges like remission and furlough;

(f) Open Prison: A prison for confinement of eligible prisoners on such conditions, as may be prescribed, for giving them more liberty outside the regular prison for facilitating their rehabilitation after release;

(g) Prison for women: A prison designated exlusively for confinement of women prisoners;

(h) Temporary Prison: Any place or building declared as a prison by the Government or by any authority as may be authorized by the Government, for detention of prisoners for a specified period of time, in case of an emergency or epidemic or overcrowding in prison;

(i) Open Colony: A place for confinement of eligible prisoners where they have the option of living with their families on such conditions as may be prescribed, for giving them more liberty;

(j) Borstal Institution: A place for confinement of young offenders.

(*2*) The Government may determine the number of prisons of any category mentioned in sub-section (*1*) and the place at which it may be established.

(*3*) Each Central Prison and District Prison shall have provision for separate wards or cells for lodging high-risk prisoners, habitual offenders and recidivists, to ensure segregation and protection of other prisoners.

(*4*) Appropriate and advanced security infrastructure and procedures shall be made for high-risk prisoner ward in all Central or District Prisons. Such prisons may also have appropriate provisions for an independent court complex for holding court hearings or trials.

CHAPTER III

Organisational Structure Of Prisons And Correctional Services.

Constitution of Prisons Force.

5. (*1*) There shall be a Prisons Force for the State of Maharashtra consisting of the following:—

(a) Director General of Prisons and Correctional Services;

(b) Special Inspector General of Prisons and Correctional Services;

(c) Deputy Inspector General of Prisons and Correctional Services;

(d) Superintendent of Central Prison and Correctional Services;

(*e*) Additional Superintendent of Central Prison and Correctional Services or Superintendent of District Prison and Correctional Services Class I;

(*f*) Deputy Superintendent of Central Prison and Correctional Services or Superintendent of District Prison and Correctional Services Class II;

(e) Jailor or Superintendent District Prison Class III;

(f) Deputy Jailor, Assistant Jailor;

(g) Subhedar, Head Constable, Constable;

(h) any other officer as may be prescribed.

(*2*) The Prisons Force shall have such powers, perform such functions and discharge such duties as may be specified in this Act and the rules.

(*3*) Every member of the Prisons Force shall have power to use allotted weapons as may be required for the discharge of his duties.

(*4*) The recruitment, pay, allowances and all other conditions of service of the Prisons Force shall be such as may be prescribed.

Superintendence of Prisons and Correctional Services.

6. (*1*) The Superintendence of the Prisons and Correctional Services shall be vested in the Home Department of the State Government.

(*2*) The Director General shall exercise, subject to the orders of the State Government, the general control and superintendence of the prisons and correctional services.

(*3*) The Government may appoint one or more Special Inspector General and Deputy Inspector General.

(*4*) The Government may direct that, any of the powers, functions, duties and responsibilities of the Director General under this Act or under any law for the time being in force, may be exercised, performed or discharged, as the case may be, by the Special Inspector General in respect of all prisons situated in the State.

(*5*) The Director General may direct that any of its powers, functions, duties and responsibilities and the authority under this Act or under any law for the time being in force, may be exercised, performed or discharged, as the case may be, by the Deputy Inspector General in respect of all prisons situated in territories under their jurisdiction.

(*6*) For every Central Prison, there shall be a Superintendent, Additional Superintendent and Deputy Superintendent.

(*7*) The Superintendent shall be the officer-in-charge of the prison and all other officers and staff shall be subordinate to him and shall obey his orders, instructions and directions.

(*8*) The Additional Superintendents and Deputy Superintendents shall carry out and discharge all or any of the powers, duties and functions of Superintendent provided under this Act, if delegated to them, subject to the general or special orders of the Deputy Inspector General.

(*9*) (*a*) For Central Prison, there shall be an officer-in-charge of the rank of Superintendent.

(*b*) For District Prison (Class I), there shall be an officer-in-charge of the rank of Additional Superintendent.

(*c*) For District Prison (Class II), there shall be an officer-in-charge of the rank of Deputy Superintendent.

(*d*) For District Prison (Class III), there shall be an officer-in-charge of the rank of Jailor.

(10) Every prison shall also have ministerial, technical and teaching staff.

Other personnel.

7. The Government may appoint such other personnel on regular basis or deputation or contract, as it may deem necessary, for the proper administration of prisons.

Convict overseer.

8. The prisoners who have been appointed as convict overseer shall be deemed to be public servant within the meaning of clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

CHAPTER IV

Functions, Duties And Powers Of Officers And Staff Of Prisons.

Functions and duties of officer-in-charge of prison.

9. (*1*) Subject to the provisions of this Act and the rules, orders and directions of the Director General the officer-in-charge of a prison shall manage the prison in all matters including admission of prisoners, security of the prison, correctional programs, allowing visitors inside the prison, expenditure, discipline, punishment and control and release of prisoners, with the aid and assistance of other subordinate officers and staff.

(*2*) The officer-in-charge of a prison shall be responsible for all aspects of management of the prison, all matters related to discipline, labour, expenditure, proper upkeep of the prison and all equipment and machinery, punishment and control, and function in accordance with the orders of higher authorities.

(*3*) The officer-in-charge of a prison shall be responsible for the safe custody of all documents or records, including records in electronic format, in his care, and for the money and other articles taken from prisoners, and perform such other duties and discharge such other functions as may be prescribed.

(*4*) The officer-in-charge of a prison shall exercise such disciplinary powers as assigned to him under the Act or as may be prescribed for regulation of prisoners, maintaining prison discipline and proper management of the prison, including high security wards.

(*5*) The officer-in-charge of a prison may utilize the services of prisoners in accordance with the rules, for the day-to-day maintenance of premises and house-keeping of the prisons.

(*6*) The officer-in-charge of a prison shall maintain or cause to be maintained the following records :—

(a) a register of prisoners admitted;

(b) a book mentioning when each prisoner is to be released;

(c) a punishment-book for the entry of the punishments inflicted on prisoners for prison offences;

(d) a visitors' book for the entry of any observations made by the visitors related to any matters connected with the administration of the prison;

(e) a record of the money and other articles taken from prisoners at the time of admission into the prison;

(f) any other records as may be prescribed.

Medical Officer of prison and his duties.

10. (*1*) There shall be a Medical Officer for every prison.

(*2*) The Medical Officer shall take necessary measures for treatment of prisoners and shall be responsible for sanitary administration of the prison and shall perform such other duties as may be prescribed, subject to the control of the Superintendent.

(*3*) If the post of the Medical Officer is vacant, then the Resident Medical Officer or any other Medical Officer designated by the doctor-in-charge of the Government Hospital shall act as the Medical Officer of the prison, who shall visit the Central or District Prison, as the case may be, at least once a fortnight. Such Medical Officer shall take necessary measures for the treatment of prisoners, as and when he is informed by any officer or staff of the prison, of any ailment of a prisoner.

Medical Officer to report in certain cases.

11. (*1*) Whenever the Medical Officer has a reason to believe that the mind of a prisoner is, or is likely to be, adversely affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing, to the Superintendent, together with such observations, as he may deem proper.

(*2*) The report, with the orders of the Superintendent thereon, shall forthwith be sent to the Deputy Inspector General, for information.

Report on death of a prisoner.

12. (*1*) On the death of any prisoner, the Medical Officer shall forthwith record all relevant details and particulars of the case as specified below, and send the report to the officer-in-charge of a prison:—

(a) the day on which the deceased first complained of illness or was observed to be ill;

(b) the labour, if any, in which he was engaged on that day;

(c) the scale of his diet on that day;

(d) the day on which he was admitted to the hospital;

(e) the day on which the Medical Officer was first informed of the illness;

(f) the nature of the disease;

(g) when the deceased was last seen before his death, by the Medical Officer or Medical Subordinate;

(h) the date and time of death of the prisoner, and

(i) in cases where a post-mortem examination is made, an account of the appearance after death, together with any other details noticed by the Medical Officer.

(*2*) The officer-in-charge of a prison shall immediately inform about the death of the prisoner to the Deputy Inspector General and the Director General. He shall also inform the National Human Rights Commission and other authorities as may be specified in general or special orders of the Government.

Duties of Jailor, Deputy Jailor, Assistant Jailor.

13. The Jailor, Deputy Jailor or Assistant Jailor shall, subject to the control and supervision of the Superintendent,—

(*a*) be in-charge and shall be the custodian of prisoners and custody of properties of prisoners;

(*b*) give, on the death of a prisoner in prison, immediate report of such death to the Superintendent and the Medical Officer, narrating in brief the circumstances under which the prisoner died;

(*c*) be responsible for the safe custody of the money and other articles deposited by the prisoners at the time of admission;

(*d*) perform such other duties and discharge such other functions, as may be prescribed.

Duties of Gate-Officer.

14. The prison staff or officer, designated by the Superintendent as Gate-Officer, shall examine everything carried in or out of the prison, and may stop and search or cause to be searched any person, suspected of bringing any prohibited articles in or out of the prison, or of taking away any property belonging to the prison, and if any such article or property is found, shall give immediate intimation thereof to the officer-in-charge of a prison.

Disciplinary action against any subordinate officer or staff.

15. (*1*) The Director General, the Special Inspector General or the Deputy Inspector General, may take disciplinary action against any officer or staff of prisons, who are subordinate in rank to them, for any misconduct, as may be prescribed.

(*2*) The punishments provided under the rules made under this Act shall be in addition to those prescribed in the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979.

Officers and staff are always deemed to be on duty.

16. All officers and staff of prison are always deemed to be on duty and shall be available for deployment in any part of the prison or at any other place, within the State.

CHAPTER V

General Conduct Of Officers And Staff Of Prisons.

Conduct rules.

17. All officers and staff of the prisons shall be governed by the Maharashtra Civil Service (Conduct) Rules, 1979 and the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and any other rules as may be prescribed.

Prohibition of business dealings.

18. The officers and staff of prisons and their relatives shall not have any business dealings with prisoners and interest in prison contracts, directly or indirectly.

Prohibition of acceptance of gift.

19. The officers and staff of prisons and their relatives shall not accept any gift from a prisoner or prisoner's relatives or friends or a person having any dealings with the prisons.

Prohibition to form union.

20. The officers and staff of prisons shall not join any union, or organization or undertake any activity, which is detrimental to security, discipline and smooth functioning of the prisons.

Reside in prison quarters.

21. The officers and staff of prisons shall reside in the prison quarters, if available, unless the Superintendent permits him in writing to reside elsewhere.

No unauthorised absence.

22. No prison employee shall be absent from the prison quarters during night, without obtaining permission from the Superintendent and if the prison employee remains absent from the prison quarters without obtaining permission, for some unavoidable necessity, he shall immediately report the reasons to the Superintendent.

Obedience of lawful orders.

23. All officers and staff of a prison shall obey the lawful orders and directions of their superior authorities.

CHAPTER VI

Welfare Fund.

Welfare fund.

24. (*1*) The Government shall constitute a welfare fund for the welfare of all officers and staff of prisons and correctional services in the State and the same may be utilized for such purposes as may be prescribed.

(*2*) The following moneys shall be deposited in the welfare fund, namely :—

(a) any grant made by the State Government;

(b) monthly subscription from all officers and staff of the prison;

(c) any bequest, donation, endowments or other grants made by any person or organization;

(d) interest accruing from investment of the balance of the fund;

(e) any other amount as may be prescribed.

CHAPTER VII

Inspection Of Prisons.

25. The Director General shall ensure that all prisons are inspected by an officer of appropriate rank at periodic intervals as may be prescribed. Inspection of prisons.

26. (*1*) Every prison shall have a Board of visitors consisting of the Collector and District Magistrate as Chairperson and such number of members as may be prescribed. Board of visitors.

(*2*) The Board shall conduct inspection of prison once in every three months to ensure the compliance of the provisions of this Act and rules made thereunder.

(*3*) After every inspection, a report alongwith the directions and suggestions of the Board shall be forwarded to the concerned Deputy Inspector General and the Director General.

CHAPTER VIII

Prison Architecture And Accommodation.

27. (*1*) The architecture and design of a prison, ground space, air space, ventilation of cells, barracks, toilets, bathing places, kitchen, work-sheds, hospitals, etc., shall conform to such standards and requirements, as may be prescribed. Prison architecture.

(*2*) The standards of security for each prison shall be such as may be prescribed.

(*3*) The prisons may be designed to facilitate segregation and separate lodging for various categories of prisoners and to provide for special needs of prisoners, such as women, transgenders, persons with disabilities or persons suffering from contagious disease or mental illness or substance abuse, old and infirm prisoners, undertrial prisoners, convicted prisoners, high-security prisoners, habitual offenders, recidivist prisoners, young offenders, civil prisoners, prisoners who are members of gangs, detenues, etc., as may be prescribed.

(*4*) The design of prisons may include accommodation and other facilities for the officers and staff of prisons as per functional requirement.

(*5*) The Government shall make rules for regulating construction and for creating a buffer zone within such distance as may be prescribed therein from the perimeter walls of different categories of prisons.

28. (*1*) The Government may allow such facilities or concessions as may be prescribed in Open Prison and Open Colony which may be helpful to the prisoners in their rehabilitation into the society. Open Prisons and Open Colony.

(*2*) The rules for management of Open Prisons and Open Colony, the procedure and eligibility for transferring the prisoners to such prisons and condition of transfer of such prisoners to Open Prison or Open Colony, shall be such as may be prescribed.

CHAPTER IX

Classification Of Prisoners.

Classification and Security Assessment Committee.

29. (*1*) Every prison shall have a Classification and Security Assessment Committee consisting of the Superintendent who shall be the Chairperson and Jailor (Administration), Jailor (Internal Security) and Medical Officer as members, for classification and security assessment of the prisoners.

(*2*) The Committee shall first ascertain the types of the prisoners amongst the following :—

(a) civil prisoners;

(b) convicted prisoners;

(c) undertrial prisoners;

(d) detenues;

(e) recidivists or habitual offenders;

(f) prisoners sentenced to death;

(g) condemned prisoners;

(h) any other type of prisoners as may be prescribed.

(*3*) The Committee shall classify the prisoners admitted into a prison in following categories according to their age, gender, sentence, safety and security requirements, physical and mental health needs, correctional needs, etc., namely :—

(a) gender-wise: men, women and transgender;

(b) women prisoners with child;

(c) young offenders;

(d) old and infirm prisoners;

(e) prisoners suffering from mental illnesses;

(f) first-time offenders;

(g) drug addicts and alcoholic offenders;

(h) foreign prisoners;

(i) prisoners suffering from contagious or chronic diseases;

(j) high-risk prisoners;

(k) any other categories as may be prescribed.

(*4*) A prisoner after ascertaining his type and category under sub-sections (*2*) and (*3*) may be lodged separately in such manner as may be prescribed to prevent any kind of interaction with each other.

(*5*) The officer-in-charge of a prison shall take special care and caution for ensuring safe and secure custody of high-risk prisoners, as may be specified by the Government in this regard.

CHAPTER X

Admission, Transfer And Discharge Of Prisoners.

Admission of prisoners.

30. (*1*) The officer-in-charge of a prison shall receive and detain a person duly committed to his custody, under this Act, by any court or any competent authority, according to the exigency of any writ, warrant or order by which such person has been committed to the prison until such person is discharged or removed in due course of law.

(*2*) The officer-in-charge of a prison shall, after execution of such writ, warrant or order or after discharge of the person committed thereby, return the same to the court by which it was issued, with a duly signed certificate, showing how the same has been executed or why the person committed thereby has been discharged from custody before execution thereof.

(*3*) The officer-in-charge of a prison shall give effect to any sentence or order or warrant for the detention of any person, passed or issued by any court or competent authority under the provisions of any law for the time being in force.

(*4*) In case of any doubt or ambiguity, the officer-in-charge of a prison may refer a warrant or order sent to him for execution, for clarification, to its issuing authority. Pending such reference, the prisoner shall be detained in such manner as specified in the warrant or order.

(*5*) Every prisoner shall, as soon as possible, after admission, be examined by the Medical Officer, who shall enter or cause to be entered the details in prescribed book or form, to be maintained by him. This record shall contain the details of the prisoner's health status, including any illness, present or past, of any wounds or marks on his person, the class of labour he is fit for, if sentenced to rigorous imprisonment and any other observations which the Medical Officer deems fit to add.

(*6*) No person shall be admitted into a prison for detention otherwise than under the production of a lawful warrant or under any order of commitment addressed to the officer-in-charge of a prison by a court or any other competent authority.

Search of prisoners.

31. (*1*) Whenever, a prisoner is admitted into prison, he shall be thoroughly searched, and all cash, jewellery or other valuables which may with proper authority be brought in the prison shall be taken from him by the officer-in-charge of a prison or an officer authorized by him and shall be dealt with in such manner as may be prescribed.

(*2*) If any prohibited articles are found with the prisoner, the same shall be confiscated.

(*3*) In case of women or transgender prisoners, the search and examination shall be carried out in an appropriate manner as may be prescribed.

(*4*) Every prisoner admitted in a prison shall undergo such physical and biometric identification measurements in accordance with the provisions of the Criminal Procedure (Identification) Act, 2022 and any other law for the time being in force.

11 of 2022.

(*5*) Every prisoner who leaves a prison or re-enters a prison shall also undergo thorough search and physical and biometric identification upon each such exit from or entry into prison.

(*6*) The prisoner shall be liable to be thoroughly searched at any time for detection of any prohibited article.

Transfer of prisoner.

32. (*1*) All prisoners shall be examined by the Medical Officer, before they are transferred to any other prison.

(*2*) Where any person confined in a prison in the State, under a sentence of imprisonment or under sentence of death or in default of payment of a fine or in default of giving security for keeping peace or for maintaining good behaviour, the Government may, with the mutual consent of the Government of other State, by order, provide for the transfer of the prisoner from that prison to any prison in the other State.

(*3*) The transfer of any undertrial prisoner from one State to another State, shall be done with the consent of the remanding court.

(*4*) The Director General or the Special Inspector General shall be the competent authorities to transfer any prisoner, from one prison to another prison within the State.

(*5*) The Deputy Inspector General shall be the competent authority to transfer any prisoner, from one prison to another prison within their respective jurisdiction.

(*6*) The undertrial prisoner shall be transferred under intimation to the trial court.

Admission and repatriation of foreign prisoners.

33. (*1*) The information of admission of a foreign prisoner in a prison, shall be sent forthwith to the Director General, who shall forward the same to the Ministry of External Affairs, Government of India, or any other agency as may be specified by the Central Government or the State Government.

(*2*) The transfer of certain prisoners, from India to other country or place outside India, and reception in India of certain prisoners from other country or place outside India, shall be done in accordance with the provisions of the Repatriation of Prisoners Act, 2003. 49 of 2003.

Discharge of prisoners.

34. No prisoner shall be discharged from prison, if labouring under any acute or dangerous distemper, unless the Medical Officer certifies that such discharge is safe.

CHAPTER XI

Discipline Of Prisoners.

Prison offences.

35. The following acts shall be the prison offences when committed by a prisoner :

(a) willful disobedience of any rule or regulation of the prison, as prescribed under this Act or the rules framed thereunder;

(b) any assault or use of force on any person;

(c) deliberate and persistent use of insulting or threatening language;

(d) immoral or indecent or disorderly behavior;

(e) willfully disabling himself from labour;

(f) continuously refusing to work, where the prisoner is punished with rigorous imprisonment;

(g) willful idleness or negligence at work by any convict prisoner sentenced to rigorous imprisonment;

(h) willful mismanagement of work by any convict prisoner sentenced to rigorous imprisonment;

(i) willful damage to prison property;

(j) tampering with or defacing history tickets, records or documents, maintained in physical or electronic form;

(k) receiving, possessing or transferring any prohibited article;

(l) willfully making a false accusation against any prison official or staff;

(m) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, plot or conspiracy, use of contraband items like mobile, drugs, weapons, currency, or any attempt to escape or preparation to escape or attack on any prisoner or any other person or prison official;

(n) escape or attempt to escape, conspiring to escape, or to assist in escaping;

(o) unauthorized use or possession of wireless communication devices, mobile phones, electronic devices and their ancillary components;

(p) trespassing or attempt to trespass or loitering around in the prison premises, where entry is not permitted;

(q) unauthorized communication with any person outside prison;

(r) retending to be a prison official or employee or impersonation of any kind;

(s) smuggling or attempt to smuggle of any prohibited article;

(t) intimidating fellow prisoners into making false representation against the prison officials or staff;

(u) participating in, or inciting mass hunger strike, agitation o0r any other act of defiance or indiscipline;

(v) sexual-harassment or sodomy;

(w) participating in, or organizing anti-social activities like gambling, betting, etc.;

(x) aiding or abetting the commission of any of the aforesaid offences;

(y) feigning illness;

(z) any other act as may be prescribed.

Disciplinary authority for prisoners.

36. (*1*) The officer-in-charge of a prison shall be responsible for maintaining discipline in the prison, amongst the prisoners, in accordance with the provisions of this Act and rules made thereunder.

(*2*) The manner of enforcing discipline in the prison shall be as prescribed by rules.

Duty of prisoners.

37. It shall be the duty of every prisoner to obey the orders and instructions of the officers or staff of the prison and abide by the provisions of this Act and to comply with such other directions as may be prescribed.

Punishment for prison offences.

38. The officer-in-charge of a prison may, after conducting an inquiry, as specified under this Act and the rules impose any of the following punishments with respect to the prison offences specified in section 35, namely:—

(a) a formal warning, which is a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and in the prisoner's history ticket;

(b) stoppage of recreational facilities, including canteen facility, upto a period of one month;

(c) change of labour;

(d) forfeiture of remission period upto three months;

(e) permanent removal from responsibilities such as convict overseer, night watchman, etc.;

(f) segregation from other prisoners (not solitary confinement);

(g) stopping visits of all visitors for a period of not more than one month (does not include the visit of an advocate);

(h) transfer to another prison;

(i) such other punishments as may be prescribed.

Publication of prohibited actions and penalties.

39. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the vernacular language, setting forth the acts prohibited under section 41 and the penalties incurred by their commission.

Entries in punishment book.

40. (*1*) A punishment book shall be maintained in every prison.

(*2*) In case of every serious prison offence, the names of the prisoners deposing as witnesses, shall be recorded.

(*3*)The officer-in-charge of a prison shall record the substance of the evidence of the witnesses, the defence of the prisoner and the findings, with the reasons therefor.

(*4*) The Superintendent and the Jailor shall affix their initials against the entries relating to each punishment, to certify the correctness of the entries.

CHAPTER XII

Offences In Relation To Prisons.

Offences in relation to prison.

41. Whoever, contrary to the provisions of the Act or rules made thereunder,—

(*a*) removes or attempts to remove any prisoner from any prison;

(*b*) supplies or attempts to supply to any prisoner any prohibited article;

(*c*) communicates or attempts to communicate with any prisoner; or

(*d*) abets to any offence made punishable by this section,

shall, on conviction, be punished with imprisonment which may extend to six months, or fine upto twenty-five thousand rupees, or with both.

Punishment for possessing or using mobile phones and other contraband.

42. (*1*) No prisoner shall possess or use mobile phone and other electronic communication devices in prisons.

(*2*) Whoever, being a prisoner or visitor or officer or staff of prison, in contravention of any provisions of the Act or rules made thereunder,–

(*i*) is found possessing or using such devices or introduces or removes;

(*ii*) attempts by any means whatsoever, to introduce or remove into or from any prison or supplies or attempts to supply to any prisoner, any prohibited article;

(*iii*) knowingly allow any such article to be introduced into or removed from any prison to be possessed by any prisoner or to be supplied to any prisoner;

(*iv*) communicates or attempts to communicate with any prisoner; or

(*v*) abets any offence punishable under this section,

shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine upto twenty-five thousand rupees, or with both.

(*3*) Whoever, being a prisoner or visitor or officer or staff of prison, is found in possession of or operating or using an electronic device or wireless communication device or any of its ancillaries or components or if any such person is found to be assisting or abetting or instigating in the supply thereof or if any such person is found to be manipulating, damaging or destroying any equipment in the prison, electronic or otherwise, shall, on conviction, be punished with imprisonment for a term which shall not be less than two years but which may extend to three years or with fine upto twenty-five thousand rupees, or with both.

(*4*) The prisoner shall undergo the sentence awarded under this section on completion of any sentence if already undergoing.

Procedure on repeated committal of prison offences.

43. (*1*) If any prisoner in the prison premises is guilty of an offence against prison discipline, which by reason of his having frequently committed such offence or otherwise, in the opinion of the officer-in-charge, is not adequately punishable by the infliction of any punishment which he has the power to inflict under this Act, the officer-in-charge shall forward the case of such prisoner to the Magistrate having jurisdiction, together with a statement of the circumstances, and such Magistrate shall thereupon try the charge so brought against the prisoner, and he shall, on conviction, be punished with imprisonment for a term which may extend to three years.

(*2*) The prisoner shall undergo the sentence awarded under this section on completion of any sentence if already undergoing.

CHAPTER XIII

Facilities To Prisoners.

Food, clothing and bedding for prisoners.

44. (*1*) All the prisoners shall be provided food at Government expense and the quantity of food served shall be prescribed by rules.

(*2*) Every convicted prisoner shall be required to wear the uniform as may be prescribed.

(*3*) All the prisoners shall be provided bedding at Government expense. Undertrials and civil prisoners may use their own bedding, subject to checking by the prison authorities.

(*4*) No part of any food, clothing, bedding or other necessaries belonging to any prisoner shall be given, hired or sold to any other prisoner; and any prisoner who violates the provisions of this section shall lose the privilege of purchasing articles, for such time as the officer-in-charge thinks proper.

Canteen facilities.

45. The Government may make available a canteen facility in the prison premises from which the prisoners may purchase articles permitted in accordance with rules.

Work and wages.

46. (*1*) Every convicted prisoner shall be provided with work while in custody. Undertrial prisoners, civil prisoners and prisoners sentenced to simple imprisonment, while in custody, may be provided the opportunity of work, if willing and available, and be paid commensurate wages, as may be prescribed.

(*2*) The record of wages earned and spent by any prisoner, particulars of deferred wages and matters incidental thereto shall be maintained by an officer-in-charge of a prison.

(*3*) The convicted prisoners may be awarded remission in sentence, as prescribed under the rules, for the work assigned to them and their conduct during incarceration.

Health care facilities for prisoners.

47. (*1*) All prisoners shall have access to adequate health care facilities, as may be prescribed.

(*2*) Whenever a prisoner needs to be sent outside the prison for medical treatment, the Police Department and the Public Health Department shall immediately respond to the exigencies of the Prisons Force.

(*3*) The Government may, by a general or special order, direct the transfer of any prisoner with mental illness from the place of detention to any mental health establishment in the State with prior permission of the Board under section 103 of the Mental Healthcare Act, 2017. 10 of 2017.

(*4*) The method, modalities and procedure by which transfer of a prisoner under this section is to be effected shall be such as may be prescribed.

Contact with relatives, friends and legal advisors.

48. (*1*) The prisoners may communicate with their relatives and friends through physical or virtual mode, under proper supervision of prison authorities. All these visitors to prisoners shall be verified or authenticated through biometric verification or identification.

(*2*) The identity of each visitor shall be verified and the record shall be maintained in the manner as may be prescribed.

(*3*) Foreign prisoners may communicate with their relatives and consular representatives in such manner as may be prescribed.

(*4*) Prisoners may communicate with their legal advisor in such manner as may be prescribed.

Legal aid.

49. The Government may provide free legal aid to the prisoners in accordance with the provisions of the Legal Services Authorities Act, 1987 and rules and regulations made thereunder.

39 of 1987.

Furlough and parole.

50. (*1*) Furlough and parole may be granted to the convicted prisoners, as per eligibility and on such conditions as may be prescribed.

(*2*) Any breach of conditions of furlough or parole by the prisoner shall attract cancellation of furlough or parole.

(*3*) The convicted high risk, hardened and habitual prisoners may be granted furlough or parole, as per the provisions of the rules made therefor, on the condition of their willingness to wear electronic tracking or GPS devices for monitoring the movement and activities of such prisoners.

(*4*) Any violation by such prisoner shall attract cancellation of furlough or parole, in addition to disqualification from any furlough or parole being granted in future, as may be prescribed.

(*5*) With a view to protect the society and victims, the Government may restrict high risk prisoners, hardened criminals and habitual offenders and such other prisoners from being released on parole or furlough, after due assessment by the competent authority.

Power to arrest person committing breach of conditions of furlough or parole, etc., without warrant.

51. (*1*) If any condition on or subject to which, a sentence has been suspended or remitted or release on furlough or parole is granted, is in the opinion of the authority exercising such power, not fulfilled, such authority may cancel its order granting such suspension, remission or release on furlough or parole, and thereupon the person in whose favour such order was made may, if at large, be arrested by any police officer without warrant and remanded to undergo the unexpired term of his sentence.

Criminal liability for breach of conditions of suspensions of sentence, etc.

52. (*1*) If any prisoner fails without sufficient cause to observe any of the conditions, on or subject to which his sentence was suspended or remitted, or release on furlough or parole was granted to him, he shall, on conviction, be punished (such punishment being in addition to any punishment which such prisoner was undergoing when he committed such offence) with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees, or with both.

(*2*) No court shall take cognizance of an offence under this section except with the previous sanction of the Government or the authority which granted such suspension or remission of the sentence.

Remission.

53. (*1*) Subject to overall good behaviour and conduct of a convicted prisoner while serving the sentence, remission may be granted by the competent authority to such prisoner.

(*2*) The period and criteria for granting remission shall be such as may be prescribed.

Education and skill development for prisoners.

54. (*1*) The prisoners may be provided opportunity for education in the prescribed manner.

(*2*) Every prison shall have library facilities for prisoners.

(*3*) Vocational training and skill development programs shall be provided to prisoners as part of correctional programs. These programmes may be diverse in nature to facilitate rehabilitation of the prisoners, as may be prescribed.

Recreational facilities for prisoners.

55. (*1*) The prison authorities shall organize spiritual, cultural and recreational programs, etc., for the prisoners.

(*2*) The facilities for playing games, sports and yoga shall be provided in prison.

Welfare fund for prisoners.

56. The Government shall constitute a welfare fund for the welfare of prisoners in the State and moneys to be deposited in the fund and its utilization shall be such as may be prescribed.

Sales Outlets.

57. The Government may establish sales outlets for the sale of products made by prisoner to the prisoners, prison staff and public.

Grievance redressal mechanism.

58. There shall be a grievance redressal mechanism for redressal of grievances of prisoners as may be prescribed.

After-care and rehabilitation services.

59. The State Government may endeavour to provide after-care services, as may be prescribed, to all needy prisoners released from a prison with a view to ensure their rehabilitation and reintegration into society.

CHAPTER XIV

Provisions Related To Women Prisoners.

Separate accommodation for women prisoners.

60. (*1*) The Government may establish prisons for women prisoners, as it may consider necessary.

(*2*) In a prison housing both women and men prisoners, the women prisoners shall be kept in a separate building or a separate part of the same building, with a separate entrance, in such a manner that they do not come into contact with men prisoners.

(*3*) All basic facilities as provided in the prison for men shall also be provided to women prisoners, alongwith such other facilities that meet their gender specific needs such as pre-natal and post natal care, crèches or balwadi for children, etc.

Women wards in hospitals.

61. A separate women ward in the prison hospital may be created for women prisoners.

Women officials and staff.

62. (*1*) In women prisons and women enclosures or women wards, only women prison officials and staff shall be deployed.

(*2*) Men prison officials and security staff can be deployed for duties outside such prison or enclosure, and can be called inside by the officer-in-charge or the officer on duty, only in case of emergency situation or commission of prison offence.

63. Women prisoners may be provided access to correctional programs and activities which take into account their gender specific needs. Access to various programs.

64. When a women prisoner is found to be pregnant at the time of admission or later, the Medical Officer shall report the fact to the officer-in-charge. Necessary arrangements shall be made to provide her medical care and diet, as may be prescribed. Pregnant women prisoners.

65. Women prisoners may keep their children with them inside the prison until the child attains the age of six years. A child living with its mother in prison shall be provided with healthcare and such other facilities as may be prescribed. Women prisoners with children.

66. Any complaint or information of sexual harassment of a woman prisoner shall be acted upon without delay as per the provisions of law. Inquiry into complaints of sexual harassment.

CHAPTER XV

Transgender Prisoners.

67. Separate enclosures or wards for transgender prisoners, both transmen and transwomen, may be provided, as prescribed under the rules. Separate accommodation for transgender prisoners.

68. The transgender prisoners shall be provided access to health-care, correctional programs and other activities. Access to various programs and health-care.

CHAPTER XVI

Custody And Security Of Prisoners.

69. The officer-in-charge of a prison shall be responsible to undertake effective measures for ensuring safe custody and security of prisoners. These measures include secured walls, gates, good lighting system, central monitoring systems, watch towers, power fencing, prevention of access to prohibited articles, system for gathering intelligence information, closed circuit televisions and other advanced gadgets and devices for surveillance, etc. Safe custody and security of prisoners.

70. (*1*) On the request of the officer-in-charge of a prison, the local police authorities shall provide necessary assistance to the prison authorities for escorting a prisoner to a court or for visit to hospital or for parole, etc., and for ensuring the safe custody of prisoners in case of rioting or arson in prison. Responsibility of police authorities.

(*2*) In case a prisoner is admitted in a hospital outside the prison, sufficient police guard shall be deployed for his safe custody by the local police authorities.

71. The manner of use of restraint and force on prisoners in case of rioting, prison-break or when prisoners resort to violence endangering the life of fellow prisoners or prison officers or staff or visitors, shall be such as may be prescribed. Use of force.

72. A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison. Extramural custody, control and employment of prisoners.

CHAPTER-XVII

Protection Of Society From Criminal Activities Of High-Risk, Habitual Offenders And Hardened Criminal Prisoners.

Taking appropriate measures against criminal activities of prisoners.

73. (*1*) It shall be the responsibility of Prisons Force and the State Police to take all appropriate measures for protecting the society from the criminal activities of high-risk prisoners, habitual offenders and hardened criminals.

(*2*) Based on the details of the crime committed by the inmate, available background record, history ticket, etc. inmates shall be suitably classified, assessed for their propensity and potential to negatively influence other inmates and be housed in separate barracks or cells, as may be appropriate.

Special provisions for security, intelligence gathering and surveillance.

74. (*1*) The Government shall ensure special watch and surveillance on high risk prisoners, hardened criminals and habitual offenders for preventing organized crime and continued criminal activities while imprisoned, including gang activity, intimidating witnesses, etc.

(*2*) For ensuring dynamic security, preventing escapes, instances of disorder and criminal activity in prisons, appropriate provision for intelligence gathering from prisoners, careful observation, monitoring of prisoners and analysis of the relevant information may be done by the Prisons Force in coordination with the Intelligence Wing of the State Police.

(*3*) The Government shall ensure strengthened and effective measures for periodic search and detection of contrabands, cell phones, etc. in the cells and barracks of high risk prisoners and hardened criminals and deploy advanced jamming solutions in such areas, including conduct of frequent surprise checks.

(*4*) The Government shall provide funds for intelligence gathering to strengthen the dynamic security of prisons.

(*5*) The prison and other security staff deployed in sensitive barracks and cells shall be rotated at periodic intervals to prevent any nexus and complacency in security.

(*6*) The release of a high risk, hardened and habitual offender convict on completion of sentence or an undertrial on bail or an inmate released temporarily on parole or furlough, etc. shall be informed to the Superintendent of Police of the concerned district, who shall keep a watch on the activities of such prisoners.

(*7*) The police administration shall fully secure the movement of the prisoner, in course of movement to court for judicial proceeding, to the hospital for medical treatment or any other place, as per writ, warrant or order of the authority, as the case may be.

CHAPTER XVIII

Prohibition Of Caste-Based Discrimination Of Prisoners.

No discrimination on caste basis.

75. (*1*) There shall be no discrimination in the classification, segregation in prisons, on the basis of caste of prisoners.

(*2*) It shall be strictly ensured that there shall be no discrimination in the allotment of any duty or work in prisons on the basis of caste of prisoners.

25 of 2013. (*3*) The provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 shall be strictly followed in Prisons and Correctional Institutions.

(*4*) Manual scavenging or hazardous cleaning of a sewer or a septic tank inside a prison shall not be permitted.

CHAPTER XIX

Prohibition Of Discrimination Of Prisoners With Disabilities.

Rights of prisoners with disabilities.

76. (*1*) No prisoner shall be discriminated against on the ground of disability. All prisoners with disabilities shall be entitled to equality, dignity, and respect for their integrity on an equal basis with others.

(*2*) All prison infrastructure, including cells, toilets, medical units, educational and vocational training centres and grievance redressal systems, shall be made accessible in accordance with the standards specified under the Accessibility Standards and Guidelines notified by the Ministry of Home Affairs, Government of India.

(*3*) A Prisoner with disabilities shall be provided with appropriate healthcare, including psychiatric and psychological services, as well as access to rehabilitation programmes and therapies.

(*4*) All incoming prisoners shall be screened for disabilities at the time of admission. Relevant prison records must reflect their specific needs to ensure suitable accommodations and assistance.

(*5*) Prison staff shall undergo regular training to sensitize them to the rights, needs, and appropriate handling of prisoners with disabilities.

CHAPTER XX

Miscellaneous.

Short films on reformed prisoners.

77. The Government shall produce and exhibit short films on the life stories of reformed prisoners to showcase rehabilitation and positive transformation, inspire other inmates, raise public awareness, reduce stigma and support reintegration into society.

Mandatory search of every person entering a prison.

78. (*1*) All officers and staff of the prison shall be thoroughly searched, upon each entry into a prison and each exit from the prison.

(*2*) Every person and visitor seeking to enter the prison shall be thoroughly searched as prescribed by the rules.

(*3*) Any person refusing to be searched shall be denied admission to the prison or visitor room of the prison and such decision shall be entered in the prison records.

Constitution of Undertrial Review Committees for every district.

79. (*1*) There shall be an Undertrial Review Committee for every district, headed by the District and Sessions Judge, with the District Magistrate, Superintendent of Police, Secretary of District Legal-Aid Services Authority as members and the Superintendent of Prisons (the senior most in the district) as member-secretary, for conducting periodical review of all undertrials in all the prisons in the district and taking measures for speedy disposal of cases.

(*2*) The Committee shall meet periodically and review the cases of eligible prisoners in all prisons of the district and make appropriate recommendations to the trial courts.

Prohibition of strike and agitation.

80. No prisoner, visitor or any person employed in the prison, shall have any right to go on strike or start or continue any agitation inside the prison for achieving any request or demand.

Contingency plan for prisons.

81. The officer-in-charge shall take all appropriate measures, as may be prescribed, including the procurement of necessary equipment and preparation of a contingency plan, for preventing and controlling any emergency situation in the prisons, ensuring availability of Quick Response Team, etc., and any other provision in conformity with the Disaster Management Act, 2005 or orders issued by the Government. 53 of 2005.

Use of technology in prison administration.

82. (*1*) The Government shall ensure integration and embedding of appropriate technology for the effective management and superintendence of prisons and for the safety and security of prisons and the prisoners, which may include biometrics, closed circuit television (CCTV), scanning and detection devices, radio frequency identification (RFID), video conference facilities, etc., in every prison for prisoners to attend court hearings or trials and to provide for seamless biometric access control system for movement of prisoners.

(*2*) The Government shall computerize the entire prison administration and integrate the database with the interoperable criminal justice system. The Government shall also develop suitable interfaces for seamless sharing of information and facilitate the prison and prisoner management system.

(*3*) The Government shall use advanced technological solutions to detect and prohibit use of cell phones and other electronic devices in prisons by prisoners.

(*4*) The Government may use electronic monitoring and tracking technology on prisoners under temporary release or leave from prison or attending court hearing, by making use of prisoner tracking devices.

(*5*) The confidentiality of the electronic or digitalised data of prisons shall be maintained by all officers and staff of the prisons and the Director General of Prisons shall be responsible for the same.

Powers to make rules.

83. (*1*) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of such notification, have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Delegation of powers.

84. The Government may, by notification in the *Official Gazette*, direct that any power, other than the power to make rules, exercisable by it under this Act or the rules made thereunder may be exercised also by any officer of the Government subject to such terms and conditions, if any, as may be specified therein.

Accounts and audit.

85. The accounts of every prison shall be maintained and audited in such manner as may be prescribed by the Government.

Protection of action taken in good faith.

86. No suit, prosecution or other legal proceedings shall lie against the Government, any officer or the authority of the Government or Prisons Force, any person for anything which is done, or intended to be done in good faith under this Act or the rules or orders made thereunder.

Act not in derogation of any other law.

87. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force

Repeal and saving.

9 of 1894. 3 of 1900.

88. (*1*) The Prisons Act, 1894 and the Prisoners Act, 1900, as applicable to the State of Maharashtra, are hereby repealed.

(*2*) Notwithstanding anything contained in this Act, all the rules, regulations, orders, directions, notifications relating to prisons made or issued under these Acts and in force immediately before the commencement of this Act shall, except where and so far, as they are inconsistent with or repugnant to the provisions of this Act, continue to be in force until altered, amended or repealed by rules, orders, direction or notification made or issued under this Act.

Power to remove difficulties.

89. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

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